

AMENDED IN SENATE JULY 28, 1998

AMENDED IN SENATE JUNE 11, 1998

AMENDED IN SENATE JUNE 3, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1980

Introduced by Assembly Member Brewer

February 17, 1998

An act to amend Section 34090.7 of, and to add Section 26202.3 to, the Government Code, relating to local government record retention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, as amended, Brewer. Local government record retention.

Under existing law, the county board of supervisors may authorize the destruction and disposition of certain records, papers, or documents that are more than 2 years old. Existing law also authorizes the head of a department of a city, county, or city and county, a public safety communications center, or a special district to destroy recordings of telephone and radio communications after 100 days.

This bill would provide that the board of supervisors, the governing board of any special district whose membership is the same as the membership of the board of supervisors, or the head of any county public safety communications center may authorize the destruction of recordings of routine video monitoring after one year and may authorize the destruction

of recordings of telephone and radio communications after 100 days. *The bill would require recordings that are evidence in any claim or pending litigation to be preserved until the claim or pending litigation is resolved.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26202.3 is added to the
2 Government Code, to read:

3 26202.3. Notwithstanding Section 26202, the board,
4 the governing board of any special district whose
5 membership is the same as the membership of the board
6 of supervisors, or the head of any county public safety
7 communications center may authorize the destruction of
8 recordings of routine video monitoring after one year and
9 may authorize the destruction of recordings of telephone
10 and radio communications maintained by the
11 department or special district after 100 days. The
12 destruction shall be approved by the legislative body and
13 the written consent of the county agency in the manner
14 prescribed in Sections 34090, 34090.5, 34090.6, and 34090.7.
15 *In the event that the recordings are evidence in any claim*
16 *filed or in any pending litigation, they shall be preserved*
17 *until the claim or pending litigation is resolved.*

18 SEC. 2. Section 34090.7 of the Government Code is
19 amended to read:

20 34090.7. Notwithstanding the provisions of Section
21 34090, the legislative body of a city or county may
22 prescribe a procedure whereby duplicates of city or
23 county records less than two years old may be destroyed
24 if they are no longer required.

25 For purposes of this section, video recording media,
26 such as videotapes and films, and including recordings of
27 “routine video monitoring” pursuant to Section 34090.6,
28 shall be considered duplicate records if the city or county
29 keeps another record, such as written minutes or an
30 audiotape recording, of the event that is recorded in the
31 video medium. However, a video recording medium shall



1 not be destroyed or erased pursuant to this section for a
2 period of at least 90 days after occurrence of the event
3 recorded thereon.

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